

07/30/01  
J1060 U.S. PTO

09918887 07/30/01

Please type a plus sign (+) inside this box

+

08-01-01

PTO/SB/05 (11-00)

A

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))	Attorney Docket No.	015280325200
	First Inventor	RYBAK, Susanna M., et al
	Title	IMMUNOTOXINS DIRECTED AGAINST MALIGNANT CELLS
	Express Mail Label No.	EL 827150062 US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning design patent application contents.	<b>ADDRESS TO</b> Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
3. <input checked="" type="checkbox"/> Specification [Total Pages 40] (preferred arrangement set forth below) - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure	a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input checked="" type="checkbox"/> paper number of pages 1-3 - c. <input checked="" type="checkbox"/> Statements verifying identity of above copies
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C.113) [Total Sheets 9]	<b>ACCOMPANYING APPLICATIONS PARTS</b>
5. Oath or Declaration [Total Pages 4] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) (for a continuation/divisional with Box 18 completed) i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <input checked="" type="checkbox"/> Associate Power of (when there is an assignee) Attorney - <b>COPY FROM PRIOR APPLN.</b>
6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input checked="" type="checkbox"/> Information Disclosure <input type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 Citations 13. <input checked="" type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent 17. <input type="checkbox"/> Other:

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09 / 071,672  
Prior application information: Examiner A. DeCloux Group Art Unit: 1644

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

<b>19. CORRESPONDENCE ADDRESS</b>					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label 20350 or <input type="checkbox"/> Correspondence address below (Insert Customer No. or Attach bar code label here)					
Name					
Address					
City	State	Zip Code			
Country	Telephone	Fax			

Name (Print/Type)	Jean M. Lockyer, Ph.D.	Registration No. (Attorney/Agent)	44,879
Signature	Date		July 30, 2001

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231  
SF 1252701 v1

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision

Complete if Known

TOTAL AMOUNT OF PAYMENT (\$ 800

Application Number  
Filing Date July 30, 2001, via Express Mail #EL827150062US  
First Named Inventor RYBAK, Susanna M., et al.  
Examiner Name  
Group Art Unit  
Attorney Docket No. 015280-325200US

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to.

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1)

(\$)710

### 2. EXTRA CLAIM FEES

Total Claims	25	-20**	=	5	X	Fee from below \$18	=	Fee Paid \$90
Independent Claims	2	-3**	=	0	X	\$80	=	\$0
Multiple Dependent					X		=	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)90

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Jean M. Lockyer, Ph.D. Registration No. (Attorney/Agent) 44,879 Telephone 415-576-0200  
Signature Date July 30, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. V

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Examiner: Not Yet Assigned  
)  
SUSANNA M. RYBAK, et al. ) Art Unit: 1642  
)  
Serial No.: 09/071,672 ) APPOINTMENT OF ASSOCIATE  
) ATTORNEYS AND AGENTS BY  
Filed: May 1, 1998 ) PRINCIPAL ATTORNEY OR AGENT  
) UNDER 37 CFR §1.34(b) AND MPEP  
For: IMMUNOTOXINS DIRECTED ) 402.02  
AGAINST MALIGNANT CELLS )  
)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Under 37 CFR §1.34(b) and MPEP 402.02, the undersigned principal attorney or agent of record hereby appoints the following representatives from the law firm of TOWNSEND and TOWNSEND and CREW LLP, Two Embarcadero Center, 8th Floor, San Francisco, California 94111-3834, telephone: (415) 576-0200, as associate attorneys and/or patent agents in this application with full powers to prosecute this case and to transact all business in the Patent and Trademark Office connected therewith:

Philip H. Albert, Reg. No. 35,819  
Hector A. Alicea, Reg. No. 40,891  
Randolph T. Apple, Reg. No. 36,429  
Kevin L. Bastian, Reg. No. 34,774  
Guy Chambers, Reg. No. 30,617  
Karen B. Dow, Reg. No. 29,684  
Gregory P. Einhorn, Reg. No. 38,440  
Susan K. Faris, Reg. No. 41,739  
James F. Hann, Reg. No. 29,719  
M. Henry Heines, Reg. No. 28,219  
James M. Heslin, Reg. No. 29,541  
Tom Hunter, Reg. No. 38,498  
Laurence J. Hyman, Reg. No. 35,551

Charlie E. Krueger, Reg. No. 30,077  
Joe Liebeschuetz, Reg. No. 37,505  
Annette S. Parent, Reg. No. P-42,058  
Steven W. Parmelee, Reg. No. 31,990  
Jonathan Alan Quine, Reg. No. 41,261  
Timothy L. Smith, Reg. No. 35,367  
William M. Smith, Reg. No. 30,223  
Joseph R. Snyder, Reg. No. 39,381  
Eugenia Garrett-Wackowski, Reg. No. 37,330  
Ellen Lauver Weber, Reg. No. 32,762  
Kenneth A. Weber, Reg. No. 31,667  
Michael E. Woods, Reg. No. 33,466

Inventor: SUSANNA M. R. BAK, et al.  
Serial No. 09/071,672  
Page 2

Attorney Docket No. 015280-325100US  
DHHS Ref No. E-157-97/0

Dated: Nov. 24, 1998

Respectfully submitted,

United States Department of Health and Human Services

By Robert Benson

Reg. No.: 33,612  
Office of Technology Transfer  
National Institutes of Health  
6011 Executive Boulevard, Suite 325  
Rockville, Maryland 20852  
Telephone: (301) 496-7056

NIHPWR02.MRG (5/98)

SF 174556 v1

49837660

"Express Mail" Label No. **EL 827150062 US**

Date of Deposit: **July 30, 2001**

PATENT  
015280-325200US  
E-157-97/2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* application of:

Rybak *et al.*

Application No.: Unassigned

Filed: Herewith

For: IMMUNOTOXINS DIRECTED  
AGAINST MALIGNANT CELLS

Examiner:

Art Unit:

SEQUENCE LISTING SUBMISSION  
STATEMENT UNDER 37 CFR 1.821(e)

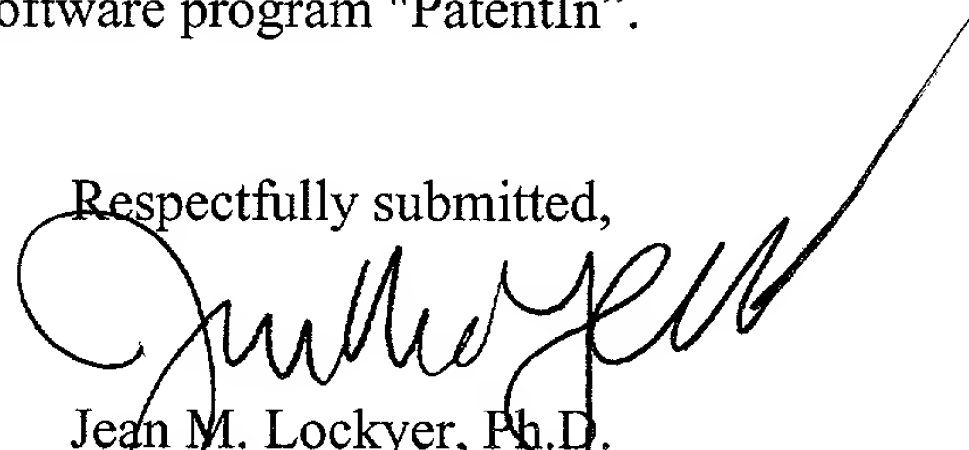
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith is a paper copy of the sequence listing to be inserted at the end of the application filed herewith. The computer readable form of the Sequence Listing is identical with that filed in parent Application Serial No. 09/071,672 filed May 1, 1998. In accordance with 37 CFR 1.821(e), please use the computer readable form filed in the parent application as the computer readable form in the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. The paper copy of the Sequence Listing is identical to the computer readable form on file in the parent application.

The information contained in the computer readable disk submitted in the parent application was prepared through the use of the software program "PatentIn".

Respectfully submitted,



Jean M. Lockyer, Ph.D.  
Reg. No. 44,879

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
JML/mcd SF 1252703 v1